

106TH CONGRESS
1ST SESSION

H. R. 2088

To prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1999

Mr. HAYWORTH (for himself, Mr. ARMEY, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BEREUTER, Mr. BLILEY, Mr. BLUNT, Mr. BONILLA, Mr. BRADY of Texas, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CHABOT, Mr. CHAMBLISS, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COOK, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DELAY, Mr. DEMINT, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mr. EHRLICH, Mr. EVERETT, Mrs. FOWLER, Mr. FRELINGHUYSEN, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HEFLEY, Mr. HERGER, Mr. HILL of Montana, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HUNTER, Mr. HUTCHINSON, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KASICH, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. MICA, Mr. MCCOLLUM, Mr. MCINTOSH, Mr. GARY MILLER of California, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUSSLE, Mr. PAUL, Mr. PETERSON of Pennsylvania, Mr. PITTS, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. ROGAN, Mr. ROHRABACHER, Mr. RYUN of Kansas, Mr. SALMON, Mr. SCHAFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SKEEN, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mr. TANCREDO, Mr. TERRY, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. BACHUS, and Mr. GOODE) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Open Competition and
5 Fairness Act of 1999”.

6 **SEC. 2. PROHIBITION REGARDING CONSIDERATION OF**
7 **CERTAIN LABOR RELATIONS POLICIES OF**
8 **OFFERORS ON FEDERALLY FUNDED CON-**
9 **TRACTS.**

10 Section 8(e) of the National Labor Relations Act (29
11 U.S.C. 158(e)) is amended by adding at the end the fol-
12 lowing: “Notwithstanding any other provision of this Act,
13 no person may be discriminated against when bidding on
14 a prime contract, funded in whole or in part with funds
15 provided by the Federal Government, if such discrimina-
16 tion is based in whole or in part on a requirement that
17 such person enter into or adhere to a collective bargaining
18 agreement or any similar agreement as a condition of per-
19 forming work under the contract.”.

1 **SEC. 3. CONSTRUCTION.**

2 The amendment made by section 2 shall not be
3 construed—

4 (1) to apply to subcontractors; or

5 (2)(A) to prohibit a contractor from voluntarily
6 entering into a lawful agreement with a labor orga-
7 nization; or

8 (B) to discourage contractors who have entered
9 into such an agreement from bidding on Federal or
10 federally assisted contracts.

11 **SEC. 4. APPLICATION.**

12 The amendment made by section 2 shall apply to con-
13 tracts made directly with any agency of the Federal
14 Government and to contracts made with any entity that
15 is managing or operating a facility owned or controlled
16 by the Federal Government on behalf of the Federal Gov-
17 ernment.

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